

REMARKS

The present amendment is in response to the Office Action dated July 19, 2007. Claims 1-31 are now present in this case. Claim 1 is amended.

Claims 1 and 9 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 6,301,514 to Canada, U.S. Patent No. 7,085,553 to Harrenstien et al., and U.S. Patent No. 6,885,862 to Pearson. The applicants respectfully traverse this rejection and request reconsideration.

Applicants restate their previous traverse. Specifically, the applicants believe (1) no motivation for combining the cited references has been given; and (2) the references cited are non-analogous art.

“The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done.” (MPEP Ed. 8 Rev. 5, 700-48.) The Office Action asserts that each element of Claim 1 is found in one of various cited references. However, the Office Action does not state a motivation for combining these features to achieve the invention found in Claim 1. Instead, the Office Action states for each feature a motivation why that feature was used in the invention found in the reference. For example, the Office Action states that Harrenstein teaches repeating the receiving and sending on a regular basis. (Office Action, page 2.) The Office Action states that the motivation to combine this asserted feature of Harrenstein with the asserted features of Canada was “to provide a mobile-based client-server system that allows for the efficient transfer of information.” (Office Action, page 3.) This is a quotation from Harrenstein that serves as a motivation for the invention of Harrenstein. (Harrenstein, column 3, lines 11-14.) However, Harrenstein achieves this efficiency by consciously using methods that avoiding polling (i.e., receiving and sending on a regular basis). Harrenstein avoids polling by selective paging. (Harrestein, column 6, lines 43-46.) Harrenstein argues that these scheme is more efficient than what it describes as “a costly polling scheme.” (Harrenstein, Abstract.) If an inventor, was motivated “to provide a mobile-based client-server system that allows for the efficient transfer of information,” and followed the teaching of Harrenstein, they would have avoiding a polling system that repeats the receiving and sending on a regular basis.

The applicant has previously asserted that the references were from unrelated technologies. That is to say, they are non-analogous art.

The examiner must determine what is “analogous prior art” for the purpose of analyzing the obviousness of the subject matter at issue. “In order to rely on a reference as a basis for rejection of an applicant’s invention, the reference must either be in the field of applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned.” *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). (MPEP Ed. 8 Rev. 5, 2100-119.)

As the applicants previously noted, Harrenstien et al. and Canada et al. are from completely different patent classifications and fields of search with no overlap there between. It is further noted that Pearson is also in completely different patent classifications and fields of search than either Canada et al. or Harrenstien et al. Thus, these cited references are not in the same field of endeavor as the invention recited in Claim 1. The latest Office Action has not responded to the applicants previous arguments that the cited references are non-analogous art.

For at least these reasons, the applicants believe that the rejection of Claim 1 is overcome.

The applicants believe the same reasons given above to overcome the rejection of Claim 1 are applicable to overcome the rejection of Claim 9.

Claims 2, 3, 5, 8, 10, 11, and 14-17 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Canada, Harrenstien et al., Pearson, and U.S. Patent No. 5,315,636 to Patel. The applicants respectfully traverse this rejection and request reconsideration.

The applicants believe that the reasons given in their response to the previous Office Action are sufficient to overcome the rejections of Claims 2, 3, 5, 8, 10, 11, and 14-17.

Claims 4 and 12 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Canada, Harrenstien et al., Pearson, Patel, and U.S. Patent No. 6,058,420 to Davies. The applicants respectfully traverse this rejection and request reconsideration.

Regarding Claims 4 and 12, they are dependent on Claims 1 and 9 respectively and incorporate all elements of their respective independent base claims.

The applicants gave reasons presented above that show there was no motivation to combine the elements found in references of Canada, Harrenstien et al., Pearson. The additional references of Patel and Davies do not provide that motivation. Again, the motivations the Office Action cited as found in Patel and Davies only show motivation for making the inventions of Patel and Davies, not the inventions of Claims 4 and 12. For at least these reasons, the applicants believe these rejections of Claims 4 and 12 have been overcome.

Claims 6 and 7 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Canada, Harrenstien et al., Pearson and U.S. Patent No. 6,014,374 to Paneth. The applicants respectfully traverse this rejection and request reconsideration.

The applicants believe that the reasons given in their response to the previous office action are sufficient to overcome the rejections of Claims 6 and 7.

Claim 13 stands rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Canada, Harrenstien et al., Pearson and U.S. Patent No. 6,347,092 to Serikawa et al. The applicants respectfully traverse this rejection and request reconsideration.

The applicants believe that the reasons given in their response to the previous office action are sufficient to overcome the rejection of Claim 13.

Claims 18-21 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Canada, Serikawa, and Patel. The applicants respectfully traverse this rejection and request reconsideration.

The applicants believe that the reasons given in their response to the previous office action are sufficient to overcome the rejection of Claim 18-21.

Claims 22-25 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Canada and Davies. The applicants respectfully traverse this rejection.

The applicants believe that the reasons given in their response to the previous office action are sufficient to overcome the rejection of Claim 22-25.

Claims 26-28 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Canada and U.S. Patent No. 6,040,786 to Fujioka. The applicants respectfully traverse this rejection.

The applicants believe that the reasons given in their response to the previous office action are sufficient to overcome the rejection of Claim 26-28.

Claims 29-31 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Canada and U.S. Patent No. 5,526,357 to Jandrell.

The applicants believe that the reasons given in their response to the previous office action are sufficient to overcome the rejection of Claim 29-31.

In view of the above amendments and remarks, reconsideration of the subject application and its allowance are kindly requested. In an effort to advance prosecution of this case, the Examiner is invited to contact the undersigned at (206) 757-8029.

Respectfully submitted,

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